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**Exercise of Authority under Sec. 212(d)(3)(B)(i)
of the Immigration and Nationality Act**

In furtherance of the foreign policy interests of the United States, following consultations with the Secretary of Homeland Security and the Attorney General, I hereby conclude, as a matter of discretion in accordance with the authority granted to me by Sec 212(d)(3)(B)(i) of the Immigration and Nationality Act (“the Act”), considering the foreign policy and national security interests that I deem relevant, that subsection 212(a)(3)(B)(iv)(VI) of the Act shall not apply with respect to material support provided to the Chin National Front or the Chin National Army by persons who

- a) Are Chin refugees from Burma living in Malaysia, India or Thailand at the time they are interviewed in those locations as applicants for resettlement in the United States under the United States Refugee Admissions Program,
- b) Have undergone and passed relevant background and security checks; and,
- c) Fully disclose to the Department of Homeland Security (“DHS”) adjudicator, when they are interviewed, the nature and circumstances of each provision of material support.

Implementation of this determination to particular applicants for refugee admission will be made by the DHS adjudicator interviewing applicants for resettlement in the United States under the United States Refugee Admissions Program, who shall ascertain, to the adjudicator’s satisfaction, that the particular applicant meets the criteria set forth above

This exercise of authority is effective only for the purposes of a determination of the eligibility of refugee applicants for resettlement in the United States and subsequent adjustment of status of the same individuals. The Secretary of State may revoke this exercise of authority as a matter of discretion and without notice at any time with respect to any and all persons subject to it

This exercise of authority shall not be construed to prejudice, in any way, the ability of the United States Government to commence subsequent criminal or immigration proceedings in accordance with U.S. law involving any beneficiary of

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this exercise of authority (or any other person). This exercise of authority is not intended to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

This exercise of authority shall apply only to Chin refugee applicants from Burma living in Malaysia, India, or Thailand who have been found to meet all other requirements for access to and eligibility for the United States Refugee Admissions Program pursuant, inter alia, to an interview by a DHS adjudicator regarding the eligibility for refugee resettlement in the United States. Among other requirements, the DHS adjudicator must determine that the applicants pose no danger to the safety and security of the United States.

In accordance with Sec. 212(d)(3)(B)(ii) of the Act, a report on the aliens to whom this exercise of authority is applied, on the basis of case-by-case decisions by DHS adjudicators in the field, shall be provided to the specified congressional committees not later than 90 days after the end of the fiscal year.

This determination is based solely on my assessment related to the foreign policy interests of the United States as they apply to Chin refugee applicants from Burma in Malaysia, India and Thailand and shall not have any application with respect to other persons or to other provisions of U.S. law.

Dated. October 11, 2006



Condoleezza Rice
Secretary of State

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